

Regular Council Meeting—January 14, 2014

The meeting of the Council of the Town of Altavista was held in the Council Chambers of the J.R. Burgess Municipal Building, 510 Seventh Street on January 14, 2014 at 7:00 p.m.

1. Mayor Mattox called the meeting to order and presided.
2. Pastor David Sage, Grace Community Church, gave the invocation.

Council members
present:

Mayor Michael Mattox
Mrs. Beverley Dalton
Mr. Charles Edwards
Mr. Tracy Emerson
Mr. Bill Ferguson
Mr. Timothy George
Mr. Jay Higginbotham (arrived at 7:30 p.m.)

Also present:

Mr. J. Waverly Coggsdale, III, Town Manager
Mr. Daniel Witt, Assistant Town Manager
Mrs. Tobie Shelton, Finance Director
Chief Ken Walsh, Police Department
Mr. John Tomlin, Director of Public Works
Mr. Steve Bond, Wastewater Treatment Director
Mrs. Megan Lucas, Economic Dev. Director
Mr. John Eller, Town Attorney
Mrs. Mary Hall, Administration

3. Mayor Mattox asked if there were any questions regarding the agenda.

A motion was made by Mrs. Dalton, seconded by Mr. Ferguson, to approve the agenda.

Motion carried:
VOTE:

Mr. Michael Mattox	Yes
Mrs. Beverley Dalton	Yes
Mr. Charles Edwards	Yes
Mr. Tracy Emerson	Yes
Mr. Bill Ferguson	Yes
Mr. Timothy George	Yes

4. Public Comment

Mayor Mattox asked if anyone would like to speak on anything not listed on the agenda.

No one came forward.

5. Special Items or Recognitions

Mayor Mattox recognized the new Chief of Police, Kenneth I. Walsh, Jr. and welcomed him to the position. Chief Walsh has been with the Altavista Police Department for 17 years.

Mayor Mattox recognized Mr. John Tomlin, Director of Public Works, who is retiring January 31, 2014, thanking him for his service to the Town of Altavista and wishing him well in future endeavors.

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Mayor Mattox recognized the Altavista Combined School Football Team as winning the VHSL Championship and asked Council to authorize the Town Manager to draft a resolution in honor of this.

A motion was made by Mr. Ferguson, seconded by Mr. Edwards, to authorize the Town Manager to draft a resolution for the Altavista Combined School Football Team.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes

A) Dept. of Health—Office of Drinking Water—2012 Water Fluoridation Quality Award

Mr. Coggsdale advised the Town has received the Department of Health, Officer of Drinking Water, 2012 Water Fluoridation Quality Award. He thanked the Water Department staff for this achievement.

Mayor Mattox asked Mr. Coggsdale to convey appreciation and congratulations to Mr. Chuck Cofflin, Water Plant Manager and his staff on behalf of himself and Council.

6. Consent Agenda

- a) Approval of Minutes-Regular Meeting December 10, 2013
- b) Receive monthly review of Invoices
- c) Receive monthly review of Revenue & Expenditures
- d) Receive monthly review of Reserve Balance/Investment Report
- e) Departmental Monthly Reports
 - Administration
 - Business License
 - Community Development
 - Economic Development
 - Police Department
 - Public Works Department
 - Recycling
 - Transit System
 - Wastewater Department
 - Water Department

A motion was made by Mr. Emerson, seconded by Mrs. Dalton, to approve the items as listed on the consent agenda.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes

7. Public Hearings

- (A) Amendment of The Code of the Town of Altavista, Chapter 86 “Zoning” Article III, “Districts” Sections 86-132, 86-192, 86-292, 86-322, 86-352, 86-382

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“Permitted Uses” and Article IV, “Development Standards” Section 86-544
“Satellite dish antenna” to come into compliance with Federal Communication
Commission (FCC) regulations.

- (B) Amendment of The Code of the Town of Altavista, Chapter 86 “Zoning” Article III, “Districts” Section 192 “Permitted Uses”, to add “personal services” to the list of permitted uses in the R-2 (Medium-Density Residential) District.

Mr. Coggsdale advised the purpose of this public hearing was to receive public comment on amendments of The Code of the Town of Altavista, Chapter 86 “Zoning” as advertised.

Mr. Witt addressed Council advising the first public hearing would be to correct and update code sections related to satellite dishes and bring the Town Code under compliance with Federal and State laws. Regulations of the Federal Communications Commission (FCC) preempt regulations in local zoning ordinances as to satellite dish antennae one meter or less in diameter thus requiring the deletion of existing regulations in the Zoning Ordinance as to such antennae. The Planning Commission is proposing to amend the following sections of the Zoning Ordinance to bring it into compliance:

- Sec. 86-132. Permitted Uses (R-1low-density residential district)
- Sec. 86-192. Permitted Uses (R-2 medium density residential district)
- Sec. 86-292. Permitted Uses (R-MHP residential manufactured home park district)
- Sec. 86-322. Permitted Uses (C-1local business district) Sec. 86-352. Use regulations (C-2 commercial district)
- Sec. 86-382. Site development regulations (permitted uses in M- Industrial district)
- Sec. 86-544. Satellite dish antenna regulations.

Mr. Witt stated the second public hearing proposes to add an additional use to Section 86-192, 'personal services' with the issuance of a Special Use Permit, in the R-2 (Medium Density Residential) District. "Personal services" is defined in Sec. 86-32 of the Zoning Ordinance as businesses "engaged in the provision of frequently or recurrently needed services of a personal nature".

Mayor Mattox advised the first public hearing is to receive public comment on amending The Code of the Town of Altavista, Chapter 86 “Zoning” Article III, “Districts” Sections 86-132, 86-192, 86-292, 86-322, 86-352, 86-382 “Permitted Uses” and Article IV, “Development Standards” Section 86-544 “Satellite dish antenna” He opened the public hearing at 7:08 p.m. and asked if anyone would like to speak.

No one came forward.

Mayor Mattox closed the public hearing at 7:09 p.m.

A motion was made by Mr. Ferguson, seconded by Mr. Edwards, to amend The Code of the Town of Altavista, Chapter 86 “Zoning” Article III, “Districts” Sections 86-132, 86-192, 86-292, 86-322, 86-352, 86-382 “Permitted Uses” and Article IV, “Development Standards” Section 86-544 “Satellite dish antenna”

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes

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Mayor Mattox advised the second public hearing is to receive public comment on proposes to add an additional use to Section 86-192, 'personal services' with the issuance of a Special Use Permit, in the R-2 (Medium Density Residential) District. He opened the public hearing at 7:09 p.m.

No one came forward to speak.

Mayor Mattox closed the public hearing at 7:10 p.m.

A motion was made by Mr. Edwards, seconded by Mr. George, to add an additional use to Section 86-192, 'personal services' with the issuance of a Special Use Permit, in the R-2 (Medium Density Residential) District.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes

8. Standing Committee/Commission/Board Reports

a) Council Committees

i. Finance/Human Resources Committee

The Local Choice “Adverse Experience” Adjustment Update

Mrs. Dalton advised last month, the Committee discussed with Council the response from the Commonwealth of Virginia's Department of Human Resources Management regarding the "adverse experience" adjustment connected to the Town's withdrawal from the TLC (The Local Choice) insurance program. Staff was asked to follow up on this item and report back to the Committee the factors that resulted in the "loss" of \$26,514.58, which would be the Town's adverse experience adjustment. Following the discussion, the Committee recommends the Town proceed with payment of the "adverse experience" adjustment utilizing the 12 equal monthly payment plan (\$2,209.55 per month). She noted next month, staff will present a budget amendment for FY2014 in the amount of \$13,257.30 to cover the payment for the next six months. The remaining six months will be included in the FY2015 Budget.

A motion was made by Mrs. Dalton, seconded by Mr. Edwards, to approve funds in the amount of \$13,257.30 for FY2014 and authorize staff to proceed with the monthly payment to the Commonwealth of Virginia in the amount associated with the "adverse experience adjustment" related to withdrawal from the "The Local Choice" program.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes

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Compensation/Salary Range Adjustments-FY2015 Budget

Mrs. Dalton noted each year, the Committee recommends a percentage for inclusion in the draft budget for "cost of living adjustments" (COLA) and the adjustment of the Town's Pay Plan Salary Ranges. Based on the current information on the U.S. Department of Labor's website relating to the Consumer Price Index Inflation Guide, the Committee recommends that a two percent (2%) COLA be included in the Draft FY2015 Budget and the Pay Plan Salary Ranges be adjusted by the same amount.

A motion was made by Mrs. Dalton, seconded by Mr. Ferguson, to authorize staff to include in the FY2015 Draft Budget a COLA adjustment of 2% and adjust the Pay Plan Salary Ranges in the same amount.

Mr. Edwards stated he would vote in favor of the placeholder in the hopes that Council will continue to look for ways to cut cost.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes

Infrastructure Funding

Mrs. Dalton advised staff has been working on exploring options for securing a professional to assist with laying out funding options for the on-going water infrastructure improvements. Based on these conversations, staff reported these services can be provided for a fee of \$5,000 or less. The Committee would recommend that staff be authorized to consult with a firm at a "not to exceed" amount of \$5,000. During last year's budget process, no funds were included in the Water and Waste Water Budgets for "professional services".

A motion was made by Mrs. Dalton, seconded by Mr. Edwards, to appropriate funds, not to exceed \$5,000, for assistance regarding infrastructure funding options and authorize staff to consult with a firm for such services.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes

Mrs. Dalton advised Staff presented to the Committee a request to explore with the Altavista On Track (AOT) Executive Committee the possibility of transitioning the AOT staff member into the Town's organizational structure. The AOT Executive Committee met on Thursday, January 9th and agreed to the exploratory process regarding this issue. She stated at this time, staff is seeking concurrence from Council in regard to further exploring the feasibility of this transition

Mr. George questioned who paid the salary for Altavista On Track.

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Mrs. Dalton responded the Town does indirectly; monies are budgeted to Altavista on Track for various things including the director’s salary.

Mr. Coggsdale felt this was an opportunity to explore the possibly of combining the Economic Development Authority part time position and the Altavista on Track position into one part time position under the direction of the Economic Development Director.

It was the consensus of Council to allow staff to explore with Altavista On Track (AOT) Executive Committee the possibility of transitioning the AOT staff member into the Town's organizational structure.

Bedford Avenue Waterline Project-Railroad Permit Application Fees

Mrs. Dalton advised WW Associates contacted Mr. Coggsdale indicating two railroad permit applications related to the Bedford Avenue Waterline Project are needed. Each application requires an application fee of \$2,100, for a total of \$4,200.

A motion was made by Mrs. Dalton, seconded by Mr. Edwards, to appropriate \$4,200 from Reserves for the payment of the permit application fee to the railroad relating to the Bedford Avenue Waterline Project.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes

Other Items/Updates

Mrs. Dalton noted the Finance Committee/HR Committee meetings are now scheduled for the fourth Thursday of each month at 8:15 a.m. in the large conference room at the J.R. “Rudy” Burgess Town Hall.

Mr. Coggsdale mentioned the Public Works Committee precedes the Finance/HR Committee meeting on the same date at 7:00 a.m.

ii. Police/Legislative Committee

Mr. Edwards stated he did not have anything to report other then the new Chief was on board and the monthly departmental report looks very positive.

Mayor Mattox thanked Mr. Edwards and his committee (Mr. Emerson and Mr. George) for their work in selecting the new Police Chief.

iii. Public Works/Utility Committee

No report.

Mrs. Dalton brought up a matter that has been in discussed in the Committee meeting and felt Mr. Higginbotham would like this brought before Council She advised of the opportunity to haul dirt from Mr. Turpin’s in a back haul after the truck has been to the landfill; the cost is \$40.00 per load. The basic purpose of the dirt is to help keep water out of the PCB pond and felt Council should ask staff to proceed with the project and appropriate funds of \$40 per load.

Mr. George asked if the truck bed had been repaired or replaced.

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Mr. Tomlin advised the body of the truck is in foul shape. The truck itself has considerable age and requires significant repairs. He stated with the age of the vehicle and the mileage, it would not be cost effective to place a new bed on the truck.

Mr. Edwards questioned if the body could be placed on a new truck at some point.

Mr. Tomlin answered affirmatively.

Mr. George asked about the possibility of welding plates in the bed for hauling dirt.

Mr. Tomlin stated this was possible but did not have the cost and another problem was there was nothing to weld the plates to adding the sideboards are the real problem.

Mayor Mattox questioned if this would cost the Town more than getting the dirt.

Mr. Tomlin advised he would put together a cost estimate.

Mrs. Dalton asked staff to bring to the next Public Works Committee meeting an estimate of cost to repair the truck for hauling the stone.

Mr. Edwards requested the cost to transfer the body from one truck to another.

b) Others

9. New Business

10. Unfinished Business

a) Dearing Ford Elevated Water Tank Update

Mr. Coggsdale advised previously, Council directed staff to correspond with Campbell County Board of Supervisors in regard to the Town's interest of possibly acquiring the Dearing Ford Elevated Water Tank from Campbell County. The County decided that it no longer needs the tank, plans to take the tank down and appropriate \$56,000. He advised the Campbell County Board of Supervisors met on Tuesday, January 7, 2014 to consider the Town's request and would agree to the conveyance of the tank but not the appropriation of the requested funds. Mr. Coggsdale asked Council if they were still interested in obtaining the tank.

Mr. Edwards stated there was more that he needed to understand before he could make a decision. He asked if the removal of the tank would have any effect on the customers near Reynolds Spring.

Mr. Tomlin replied nothing would occur. They are still the Town's customers but are served by CCUSA (Campbell County Utility Services Authority) when the Town is not pumping. He stated there is a valve on the Town's side that opens when the pumps are not running that allows water to go to Reynolds spring. The water comes through CCUSA's meter, when the spring is cut on, the valve closes and the water comes into the Town's system and travels to the 714 tank supplying water to the customers in the Gibson Road area.

Mr. Edwards asked if there was a possibility of utilizing the output of the spring by using the Dearing Ford Tank.

Mr. Tomlin responded no, the spring only produces "x" number of gallons.

Mrs. Dalton said she thought the reason for going to the County to obtain the tank was for future flexibility. Presently, there is no urgent need for the tank.

Mr. Ferguson mentioned there will be a cost to refurbish the tank which will need to be done shortly and felt this might be a good time to let the County keep the tank.

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Mr. Edwards asked if the Town could provide water to Altavista Commons.

Mr. Tomlin stated the Town cannot supply water to Altavista Commons through the 714 tank due to elevations. Booster pumps could be installed to accommodate but there is a cost associated with it.

Mayor Mattox advised he was at the Campbell County Board of Supervisors meeting and they really didn't want to pay anything to the Town but mentioned it doesn't hurt to ask again if Council so desired.

Mr. Edwards stated the estimate to remove the tank is \$40,000 and suggested asking the County for that amount. He stated he would like to know what the ramifications are in serving Altavista Commons, what will it cost to refurbish the tank and what the expected life would be as result of refurbishing.

Mayor Mattox asked for Mr. Tomlin's recommendation.

Mr. Tomlin stated it depended on what Council wants the tank for; back up, fire protection, he did not see any potential future because the area belongs to CCUSA.

Mr. George stated he remembered in a previous conversation, the tank being used as an emergency backup source for Abbott, Inc.

It was the consensus of Council to refer this matter to the Public Works Committee for additional review and bring it back to Council's February 11, 2014 meeting.

b) PCB Work Session—Tuesday, January 28, 2014

Mayor Mattox advised he has scheduled a work session for January 28, 2014 to catch up on the PCB progress. He stated he is looking for two goals and is looking for additional goals. He asked for Council to be in attendance and said there was wiggle room for the time. One goal is to decide during the meeting if Council is going to try and abide by the agreement with DEQ and the Voluntary Remediation Program to actually try and get something rolling this spring. He stated there are proposals out there that Council doesn't have the opportunity to look at because of procurement issues. The other goal is to issue a simple RFP written by the Town Manager to answer two questions: can it be done and how much would it cost. He suggested meeting again once the RFPs are received and discuss. Mayor Mattox called for discussion.

Mr. Edwards questioned a bill for \$9,000 for a previous RFP, why didn't Mr. Coggsdale write that RFP?

Mayor Mattox responded that was a good question, but thought Council was looking for straight, more detailed information. He thought Council should see if they will answer two questions now, originally conditions were put on whoever issued the RFP—can you do it and how much will it cost and then negotiate a contract at a later date.

Mr. Edwards referred to a professor from the University of Iowa who has agreed to utilize a number of graduate students to study the lagoon and what the possibilities are in terms of remediation and approximation of cost. This is a new field and don't know what they may come up with in addition to the five or six working with the Town now. He felt the RFP could be asked for without harm but did not see the wisdom behind this move.

Mayor Mattox stated he understood this and was open to all possible solutions for the PCB issue but more information is needed. Some of the information needed is can these people actually do it and what the cost will be. He noted he appreciates

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the work Dr. Licht, Dr. Sowers, and Dr. Robertson is doing but felt Council needs to broaden their horizons and see if the other five or six potential contractors can clean up the PCBs. He asked Council if they would like to add anything to the goals of the work session, he was all for it. He felt Council needed to have an open session, a round table discussion to obtain as much information as possible during that time.

Mr. Higginbotham asked “can it be done” he was assuming the 50 parts per one million.

Mayor Mattox responded that is correct.

Mr. Higginbotham stated Dr. Sowers does not have his information back so he cannot reply. Dr. Licht does not have his information back from the University of Connecticut on the last sample so he cannot respond. Mr. Booth has not picked up his samples. He noted he has received quotes from Terra-Therm with an estimate of \$5 million to \$7 million. There is also dig and haul which Council is not interested in. He was unsure if Mirmichi is ready to quote or not.

Mayor Mattox responded he was not asking Council to make a decision; only to do a request for proposals to see what other information can be gained; specifically can it be done and at what cost. He stated he wanted to know what was available besides Dr. Sowers, Dr. Licht and others. He stated he wanted to know a number and whether it was possible or not.

Mr. Ferguson stated he would like some updated information

Mrs. Dalton asked if there were submittals in response to the request and they had dollar values associated with it, are we ready to do it given what is going on in the pond that we would like to see the end game of. Would you have the job done?

Mayor Mattox felt that was a good question. His answer was the first responsibility is to the citizens of Altavista, it is not necessarily research and PCB remediation but the first responsibility is remediation, to clean the pond up and remove this potential liability from the citizens of Altavista. He noted he has not lost the value of the letter of closure which gives Council immunity forever from any further action. He mentioned this is the carrot that drives him forward to want to go down this way. He stated a friend has told him and Mr. Edwards if Council can get the letter of closure.

Mr. Edwards disagreed saying this was not true.

Mayor Mattox stated he was told if you can get the letter of closure, why wouldn't you?

Mr. Higginbotham stated Mr. Scott Rice, EPA, said Council didn't have to do anything. He felt Council could not lose sight of this. Council has taken this on their own to say if there is something constructive to accelerate the microbes that are out there now; he noted this is a fortunate situation because of the clay lined petri dish where water stays in it with water leaving through evaporation. This is why the researchers are excited about it because it is an infield situation. He stated the Council doesn't have to do anything, the EPA is satisfied and DEQ works for the EPA; DEQ gets funding from the EPA. He advised he, Mr. Coggsdale and Mr. Bond met with DEQ; Mr. Durwood Willis said the only way DEQ would be satisfied was dig and haul. Dig and haul which is a liability, would carry the liability to Michigan and was the cheapest method at the time.

Mr. Edwards stated the EPA has already said they are opposed to the “Dig and Haul” and it needs to be handled within the Town.

Mrs. Dalton read from a letter received from Mr. Durwood Willis, DEQ on June 28, 2012: by DEQ's acceptance of this project into the Voluntary Remediation

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Program, the department acknowledges that “cleanup is not mandated under any current legal authority.”

Mayor Mattox asked if it was the desire of Council to complete the Voluntary Remediation and have this cleaned up.

Mr. Edwards felt that was an essential issue and agreed. He stated he was not concerned with the VRP.

Mr. Emerson stated he has been on Council 13 months and cannot tell you what PCBs stand for; he did not feel he was knowledgeable on the matter to say yes or no. He felt there should be closure but didn’t have an answer on how to get the closure.

Mayor Mattox asked Mr. Emerson if he wanted to earn the letter of closure through the VRP and noted Council is under a specific mandate to do so. He asked Mr. Emerson if he thought this was an appropriate thing for the Town to pursue.

Mr. Emerson thought the Town needs “complete closure” on it but from whom it is from, he was not sure.

Mr. Edwards asked to discuss the letter of closure since it seemed to be essential to the Mayor’s argument and the gentlemen mentioned is very much in favor of a letter of closure for the business he works for as they had the same problem. Their predecessors gave the Town the problem but this is a different situation. They would like to be in a position to use their property; the Town does not have the desire to do that or the property to do that with because it is located in the flood plain and next door to the sewer plant. It has no value. Mr. Edwards felt if the letter of closure was never received it wouldn’t make a difference.

Mayor Mattox asked Mr. Edwards if he was fearful of a potential liability where the EPA comes in.

Mr. Edward stated the Town did not put it there to begin with; he did not feel the federal or state government will force the citizens of Altavista to clean up something that someone else put there. He did not feel that was appropriate. He referred to the letter previously reading stating DEQ says they can’t. He mentioned a comment made by Mr. Steve Rock saying they had bigger fish to fry and Mr. Scott Rice commented in a letter that the Town doesn’t have to do it. Mr. Edwards stated his vision of this is that it needs to be done but it needs to be done at the least expense means and if it takes 20 years, it takes 20 years.

Mayor Mattox asked Mr. Emerson for a yes or no. If the consensus of Council is that there is no need to continue on and try and meet the agreement with DEQ, we have 20 or 30 years to do this or until something happens. He felt a decision needs to be made.

Mr. Emerson asked what changes with the pond if there is a week of eight to ten inches of rain. What happens if it gets in the river? Is that on the Town?

Mr. Higginbotham stated there is six to eight feet of free board, if you get eight inches of rain it will rise except there is water that flows in on the side.

Mr. Emerson referred to the floods in the mid 80’s.

Mr. Bond responded, we have it contained but if you are looking at worst case scenario, if it leaves the pond, the Town of Altavista is responsible.

Mr. Edwards added this person at the Train Station stated if you have this problem, you have far greater problems.

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Mr. Bond stated if the pond breaches and you lose it out of there, the Town is responsible.

Mayor Mattox called on Mr. Emerson again for an answer.

Mrs. Dalton said it was legal to say I don't know.

Mr. Emerson stated he didn't feel he had the knowledge to make a decision on this issue. If he thought there was a possibility of it going into the public today, he would say Council needs to do everything they can but did not know that he knew that. Mr. Emerson stated he remembers the flood in 1986 or 1987 and did not see how the pond could not have overflowed.

Mayor Mattox stated it would have to get out of the clay lining or out where the breach was completely washed away.

Mr. Emerson felt Council needs to be able to tell somebody that they are done with this but doesn't know how to get there.

Mrs. Dalton stated she has respect for the VRP but does not feel obligated to it.

Mayor Mattox asked Mr. Higginbotham should Council pursue trying to get the pond cleaned up by the spring of 2014.

Mr. Higginbotham said the answer to that is no.

Mr. Ferguson stated obviously there are a lot of different ideas and felt the work session should include Mr. Bond and Mr. Tomlin. Council needs to decide what direction they want to go. He did not see a problem with obtaining a RFP because he needs lots of information

Mayor Mattox stated a work session may not be warranted.

Mr. George questioned having the pond clean by spring of 2014.

Mayor Mattox stated if Council is not going to attempt that they have forever to figure this out.

Mrs. Dalton disagreed.

Mayor Mattox stated Council is not under a timeline of 2014.

Mr. George stated he is on board with Mr. Emerson and would like to have more information. He stated it was somewhat comforting to go to the dam and see that it is not a frail little dam, it is very substantial. Standing there looking at the river, it would have to come up about 40 feet to bridge the top of the dam. He did not feel, unless the Smith Mountain Lake Dam breaks, that the Town's pond would wash away.

Mayor Mattox stated his impression of this by default Council is not going to be able to meet the deadline according to the DEQ and as Mr. Higginbotham spoke of and said Council has no information from Dr. Sowers and Dr. Licht, he asked if anyone could give him a reason that Council should have a work session if there isn't anything to talk about.

Mrs. Dalton stated two Councilmen spoke up and stated they would like to know more and she would like to be brought up to date on the ongoing projects. She felt Council has a moral obligation to pursue this project whether it has anything to do with VRP or not, Council has an obligation to work on this project and try to eradicate it in some financially feasible way and she felt it would work its way out over time. She stated one of the ways in which the Town would have the right to

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give its case to the Regulatory Agency is through the Town's due diligence and efforts on this matter.

Mayor Mattox stated he was glad Council was having this discussion because his first question was answered: first, Council will not meet the obligation/agreement with DEQ.

Mr. Higginbotham questioned what the agreement was with DEQ.

Mayor Mattox stated when the Town entered the VRP; they made an agreement with the DEQ that the PCBs would be cleaned up by spring of 2014.

Mr. Edwards stated he did not believe that was correct.

Mr. Eller stated it was not that date.

Mayor Mattox agreed stated it was because they couldn't give the Town the concentration.

Mr. Eller stated they later came back and gave Council that date, it was not necessarily agreed upon.

Mrs. Dalton stated they also said they wanted to see efforts being made.

Mayor Mattox said his goals were being answered and Council has laid out other ideas for the work session. He stated he felt Council was not interested in submitting a RFP.

Mr. Ferguson felt that everyone could see there was a lot of "lack of knowledge" and all together in a work session they could learn something especially with Mr. Bond and Mr. Tomlin in attendance.

Mr. Higginbotham asked who would conduct the meeting.

Mr. Edwards stated there is no one to at this point. There is information applicable to this but doesn't exist today and is what Council is waiting on.

Mayor Mattox felt Council was at the point where they are trying to get educated themselves. There are two or three including himself that would like to be updated and are waiting on information from Dr. Sowers and Dr. Licht.

Mr. Edwards responded they are waiting on more than just that.

Mayor Mattox asked how long before this should be revisited.

Mr. Higginbotham suggested six months to a year.

Mr. George stated he would be satisfied to have a conversation as just held and asked Mr. Edwards to educate him on what he does know.

Mr. Edwards stated there was very little that he knew that the others know at this point. He stated what is essential is there is a lot of possibilities; some may prove to be totally worthless and some a great idea, neither of which is known today. Dr. Robertson and his crew have been added.

Mr. Higginbotham added not only that, Dr. Robertson and his group have applied for federal grant.

Mayor Mattox referred back to the work session question and asked if Council wanted to have a work session near term or wait?

Mr. Edwards suggested giving it 90 days and talking about it again.

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Council was in agreement to revisit the PCB issue in 90 days.

11. Manager's Report

a) Project Updates

VDOT Enhancement Project and Downtown Utility Replacement Project and Pittsylvania Avenue Intersection Project

Contractor is working with their paving subcontractor in regard to having the paving done as soon as the weather allows.
Contract calls for Substantial Completion on January 6, 2014 and Final Completion on February 5, 2014. Several requests for extensions are pending.

Bedford Avenue Waterline Replacement Project

Staff has received and is reviewing the "Preliminary Design" for the project and will meet with the engineer to discuss the completion of this phase. Mr. Coggsdale plans to ask the engineer to provide an update on the project at the February 11, 2014 Council meeting.

b) Other Items as Necessary

Mr. Emerson asked Council to look at the possibility of installing street lights along Bedford Avenue resembling the ones on Main Street.

c) Informational Items

d) Town Council Calendars (January/February)

12. Matters from Town Council

13. Closed Session

I move that the Altavista Town Council convene in closed session in accordance with the provisions set out in the *Code of Virginia*, 1950, as amended,

Section 2.2-3711 (A) (5) regarding discussion concerning a prospective business or industry or the expansion of an existing industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

Section 2.2-3711(A) (7) – Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. (Utility Agreement)

A motion was made by Mrs. Dalton, and seconded by Mr. George.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

Council went into closed session at 8:18 P.M.

Notice was given that council was back in regular session 10:03 P.M.

Regular Council Meeting—January 14, 2014

FOLLOWING CLOSED SESSION:

A motion was made by Mrs. Dalton, seconded by Mr. Edwards, to adopt the certification of a closed meeting.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the town council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the town council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the town council hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the town council.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

Mayor Mattox asked if there was anything else to bring before Council.

The meeting was adjourned at 10:04 P.M.

Michael E. Mattox, Mayor

J. Waverly Coggsdale, III, Clerk